

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT V. MONTENEGRO,

No. C 13-00244 YGR (PR)

Petitioner,

## **ORDER OF DISMISSAL WITHOUT PREJUDICE**

VS.

GREG LEWIS, et al., Warden,

## Respondents.

On January 17, 2013, Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day the action was filed the Court sent a notification to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's *in forma pauperis* application. The Clerk of the Court sent Petitioner a blank *in forma pauperis* application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed.

16 More than thirty days have passed and Petitioner has not paid the filing fee, returned the *in*  
17 *forma pauperis* application or otherwise communicated with the Court.

18 IT IS HEREBY ORDERED THAT this action is DISMISSED WITHOUT PREJUDICE.

**19** The Clerk shall enter judgment, terminate all pending motions, and close the file.

20 || IT IS SO ORDERED

DATED: February 27, 2013

Yvonne Gonzalez Rogers  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE